REMARKS

This is a supplemental amendment filed in addition to the amendment filed October 29, 2004.

I. New Claims

New method claims 11 to 15 have been added to claim preferred embodiments of the method claimed in claim 1.

The broad independent method claim 1 omits many of the features of a preferred embodiment disclosed in the specification. Claim 11 has been drafted to claim this preferred embodiment.

In particular, prior art methods of transmitting traffic messages to vehicles traveling on a road have been hampered by various limitations regarding the amount of digital information that can be sufficiently rapidly and efficiently transmitted in a digitally coded traffic message. To limit the amount of data that must be transmitted to the vehicles typically street and highway names and place names or a location code table that correlates coded street and highway designations with the actual street and highway names is stored in a memory in the vehicles. Current standard traffic message systems, such as the TMC system, send abbreviated or coded messages to the vehicles traveling on the road, which are decoded in the vehicle with the aid of the location code table that is stored in a memory associated with a decoding means located within the vehicles. The location code table enables decoding of the brief rapidly transmitted, but coded, message in standard format, including a coded description of the location associated with a traffic event, which is to be announced (see pages 3 and 7 particularly of applicants' specification).

The problem with this type of current or prior art traffic message system is that it does not facilitate updating of the location code table for changes due to new construction, detours and other changes that occur with time (see first paragraph, page 3, of applicants' specification). The applicants' inventive method solves this problem by modifying e.g. the existing TMC standard system, by adding a leading header 12 to the traffic message that signals the presence of additional information regarding updates for the location code table and other additional information regarding changes of data stored in the vehicle memory. Also the header can contain information regarding the manner by which the additional location information is encoded in the additional information following the traffic message in the standard format. This allows more flexibility in coding of the additional location information, as explained on page 8, line 16, and following of applicants' specification.

The new claim 11 specifically states that the traffic information includes updated information regarding changes in and additions to highway and street designations in the preamble. Basis is provided by the first paragraph on page 3 of applicants' specification. Page 3, lines 11 to 15, provides basis for the first three lines of step b) of claim 11. Step b) of claim 11 is generally based on the above listed claim 1. However the last several lines of step b) are based on the disclosure on page 8, line 16 and following of the applicants' originally filed specification. The steps c) to f) of claim 11 are based on the disclosures for the preferred embodiment on pages 6 and 7 of applicants' specification (also fig. 1) and also on page 3.

The previously presented claims 1 to 10 have not been changed and are the claism filed in the amendment dated September 19, 2003.

II. Obviousness Rejection

It is respectfully submitted that claims 11 to 14 should not be rejected as obvious under 35 U.S.C. 103 (a) over Israni, et al, U.S. Patent 6,438,561 B1 (henceforth referred to as "Israni") in view of Harrington, et al, U.S. Patent 6,289,012 B1 (henceforth referred to as "Harrington").

Israni discloses a method of using vehicle traffic information transmitted by radio in a vehicle navigation system. Israni teaches that "location codes" of the traffic message should be correlated with corresponding geographic map data, especially street sections, of a digital map stored in the vehicle navigation system by means of "location reference records" (column 2, lines 15 to 49).

Paragraph 3 of the Office Action states that Israni teaches broadcasting a traffic message that provides additional location information that indicates additions to and/or changes in the first location information transmitted in the traffic message.

However Israni does not disclose or suggest transmitting additional location information that includes update information for the "location reference records" stored in memory in the vehicles regarding changes in and additions to highway and street designations and place names, which e.g. are due to new construction and other changes including detours and the like. Step b) of new claim 11 includes this latter feature.

While one could conceive of calling all the vehicles into a repair shop and inputting a new location code table into the decoding means with memory in each vehicle as a means of updating the information regarding street and highway designations and place names, such a procedure would be inefficient and costly. Similarly traffic messages, but not in coded form, could be transmitted to the vehicle from a central station. Applicants'

modification of a standard method for transmitting digitally coded traffic messages, such as TMC-RDS, in which large amounts of street and highway name and place name data is stored in a memory in the vehicles, is a simple and efficient method for updating within the framework of the simpler RDS methods for encoding, transmitting, receiving and decoding traffic information including updates for street and highway place names.

Applicants' method as claimed in claim 11 is clearly distinguished from the disclosures in Israni. Israni does not disclose the leading header 12 that signals the presence of additional location information after the standard format traffic message or the presence of updates. Also Israni does not disclose a leading header that includes information regarding the coding of the additional location information (claim 11).

Harrington does not supply the required hint or suggestion of the modifications of Israni that are necessary to arrive at the invention as claimed in applicants' claim 11. Also the changes in the amended claim 1 filed in the amendment dated September 19, 2003 should not be ignored. This amendment states that the additional leading header 12 in front of the standard traffic message signals the presence of additional location information, which adds to and/or changes the first location information for changes in place names or street and highway designations provided in the standard traffic message.

In column 6, lines 57 to column 7, line 63, Harrington does teach addition of an additional header 803 to a standard data packet 705 that already includes a header (fig. 7). However the purpose of this additional header 803 is not, as in the case of the applicants' leading header 12, to signal the presence of additional data fields or additional information that adds to and/or changes the information in the standard data packet 705. These latter features are included in the new claim 11 of applicants. Also the header of

Harrington does not include information regarding the manner in which the additional location information is coded as now claimed in new claim 11.

Instead the added header 803 of Harrington includes information regarding the type of network of the client, network conditions and flow control for data packet flow, so that the system download manager 507 (fig. 5, column 7, lines 11 to 15) can control the downloading of the data packets 705 to the respective users of the network in an efficient and reliable manner. This type of control helps to avoid the clogging of the network and makes multiple data transmissions more efficient.

It is well established by many U. S. Court decisions that to reject a claimed invention under 35 U.S.C. 103 there must be some hint or suggestion in the prior art of the modifications of the disclosure in a prior art reference or references used to reject the claimed invention, which are necessary to arrive at the claimed invention. For example, the Court of Appeals for the Federal Circuit has said:

> "Rather, to establish obviousness based on a combination of elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant...Even when obviousness is based on as single reference there must be a showing of a suggestion of motivation to modify the teachings of that reference.." ***In re Kotzab***, 55 U.S.P.Q. 2nd 1313 (Fed. Cir. 2000). See also M.P.E.P. 2141.

In the case of the instant application Harrington does not disclose addition of a leading header 23 that signals or indicates the presence of at least one additional *location* information portion that includes location update information and data regarding the manner in which the update information is coded following a standard data packet or message.

Furthermore, with respect to dependent claims 12 to 14, Harrington neither discloses nor suggests anything regarding methods of broadcasting messages in general and broadcast traffic messaging systems in particular, which have entirely different problems than the multi-user networks contemplated by Harrington.

In addition, Harrington is non-analogous art since it is in a different field than applicants' claimed invention and also Israni. First, it is in the field of data transmission between computers or terminals in a hard-wired data network, e.g. PCs in a cable network via TCP-IP protocol (see column 1 of this reference). Harrington is concerned with making the communications between the multiple computers or terminals of the network more efficient by avoid clogging with too many messages, which can cause reliability and speed problems. In contrast, the applicants' data transmission takes place by a radio broadcast or a mobile phone transmission. Applicants' are concerned only with one-way transmission between a central data station containing updated traffic information and one or more radio or phone receivers in the vehicles. There is no clogging problem with the applicants' type of system.

Furthermore the main U.S. class of Harrington is 370, but Israni the U.S. classes are 455, 707, 701. The International classification numbers are entirely different, which indicates these references are in different fields; one skilled in the art would not combine them.

Furthermore Harrington is not reasonably pertinent to the problem that the applicants are trying to solve. That problem is how to adapt the standard radio broadcast messaging systems that send traffic messages to a vehicle navigation system for changes in location information such as place names and other data due to construction and the

like (which occur after installation of the radio receiver in the vehicle). This problem is neither disclosed nor suggested in Harrington, because Harrington is concerned with the solution of different problems, such as message transmission reliability and message traffic congestion in computer network (column 3, lines 17 to 25, & column 2, line 63 and following), which does not occur when the messages are broadcast by radio.

Harrington is not concerned with changes that occur after installation of the various computers in the network, because the computers are more flexible than the typical navigation system and radio messaging systems used for the traffic messaging systems. These latter problems regarding updating of place name and similar information would not occur in the computer networks. For example, updating of software is a normal activity in current Internet-based computer networks using cable.

It is well established that the test of whether or not a reference is analogous or can be used in a 103 rejection is that it must be in the same field as the applicants' endeavor or, if not, it must be reasonably pertinent to the particular problem with which the inventor is concerned (M.P.E.P. 2141.01 (a)). Numerous U.S. judicial decisions support this principle. For example, see *In re Oetiker*, 24 U.S.P.Q. 2nd 1443, 1445 (Fed. Cir. 1992); *In re Clay*, 23 U.S. P. Q. 2nd 1058, 1060-61 (Fed. Cir. 1992).

In the case of the instant application the Harrington reference is in a different field from the applicants' improved method of broadcasting traffic messages, which include information regarding changes and/or additions to relevant location information stored in memory associated with the receivers in the vehicles. The disclosures in Harrington do not reasonably provide any hint or suggestion to solve the special problem of modifying the TMC traffic message system to update location data or a location code correlation table in

the memory of the vehicles receiving the messages, at least in the same way as disclosed and claimed by the applicants.

For the foregoing reasons, it is respectfully submitted that new claims 11 to 14 as should not be rejected as obvious under 35 U.S.C. 103 (a) over Israni in view of Harrington.

Furthermore withdrawal of the rejection of claims 1 to 10 as obvious under 35 U.S.C. 103 (a) over Israni in view of Harrington is again respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549-4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,

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